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Response to OA of 03/15/2005

Remarks

Claims 1-20 are presented for examination.

I. Claim Objections

The Office Action objects to claims 15 – 18 for informalities. Each of these claims is amended to replace the acronym CPM with collaborative process manager.

Applicants respectfully request withdrawal of these objections.

II. Claim Rejections: 35 USC § 101

Claims 1-20 are rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse.

Under 35 USC § 101, patentable subject matter must have two basic criteria. First, the subject matter must be one of processes, machines, manufacturers, and compositions of matter. Generally, three categories are not included as patentable subject matter: (1) abstract ideas, (2) laws of nature, and (3) natural phenomena. Second, the subject matter to be patented must be “useful.” Applicants’ claimed subject matter meets both of these criteria.

Applicants contend that independent claim 1 recites “a computer implemented method.” As clearly supported in the law, computer implemented methods are “processes” per 35 USC § 101. Independent claim 14 recites a “computer system.” Computer systems are clearly within the definition of 35 USC § 101.

Applicants’ claims have a practical application in the technological arts since the claims produce a concrete, tangible, and useful result. In other words, the claims recite at least one step or one act that produces something that is concrete, tangible, and useful. By way of illustration only, claim 1 recites (emphasis added):

A computer implemented method ... wherein the first peer
instance of the collaborative business process and the second peer
instance of the collaborative business process **communicate**
through messages for information exchange and synchronization.

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Thus, claim 1 recites that the first and second peer instances communicate through messages for information exchange and synchronization. In other words, the claim recites a concrete, tangible, and useful result as an output of centers.

As another example, claim 14 recites:

A computer system ... comprising ... a peer to peer communication mechanism for enabling data exchange and synchronization between the first peer process instance and the second peer process instance.

Thus, claim 14 recites a mechanism for enabling data exchange and synchronization between two peer process instances. In other words, the claim recites a concrete, tangible, and useful result as an output of centers.

Claims 1 and 14 thus provides a "real world" value (i.e., communication for information exchange and synchronization). This real world value is more than a mere idea or concept.

The legal position of the Applicants is clearly supported in MPEP 2106. Further, Applicants respectfully ask the Examiner to review the decision in *AT&T Corp. v. Excel Communications*, 172 F.3d 1352 at 1358 (Fed. Cir. 1999). The law clearly states: "Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 USC 101" (MPEP 2106: Emphasis added). Applicants have shown that the claims are not devoid of any limitation to a practical application in the technological arts. As noted, claims 1 and 14 recite a real world value (i.e., the output centers).

Next, Applicants respectfully cite MPEP 2106 to support further their position:

The applicant is in the best position to explain why an invention is believed useful. Office personnel should therefore focus their efforts on pointing out statements made in the specification that identify all practical applications for the invention. Office personnel should rely on such statements throughout the examination when assessing the invention for

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compliance with all statutory criteria. An applicant may assert more than one practical application, but **only one is necessary to satisfy the utility requirement**. Office personnel should review the entire disclosure to determine the features necessary to accomplish at least one asserted practical application. (Bold added).

For at least these reasons, Applicants respectfully ask the Examiner to withdraw the rejection under 35 USC § 101.

III. Claim Rejections: 35 USC § 112

The Office Action rejects claims 3, 4, and 14 under 35 USC § 112, second paragraph. Applicants respectfully traverse.

Claims 3 and 4 are rejected as providing insufficient antecedent basis for the limitation "wherein the step of the current task." Claims 3 and 4 are amended to depend from claim 2.

Claim 14 is rejected because the Office Action contends the disclosure does not define the phrase "system." According to MPEP § 2111.01, the terms of a claim must be given the ordinary and customary meaning given to the term by those of ordinary skill in the art. Applicants contend that the one of ordinary skill in the art, upon reading the specification, will understand the meaning and definition of the term "system." As one example, the specification discloses: "FIG. 1 illustrates a de-centralized peer-to-peer collaborative process management infrastructure 10 according to one embodiment of the present invention" (page 9, lines 11-12).

IV. Claim Rejections: 35 USC § 102

Claims 1-4, 6-9, 14-15, and 17-20 are rejected under 35 USC § 102(b) as being anticipated by Advanced Decision Environment for Process Tasks (ADEPT). The Office Action cites four different references A – D. Applicants respectfully traverse.

For numerous reasons, Applicants contend that the rejections under 35 USC § 102 are legally deficient. First, MPEP § 2131 states (emphasis of bold added):

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“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a **single** prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In the Office Action, the Examiner uses a combination of multiple references A, B, C, and D to reject the various limitations of claims 1-20. By way of example, the Office Action combines different sections of references A-D to reject different limitations of claims 1 and 14. For example, the preamble of claim 1 is rejected under references A-D; the element “a) defining” is rejected under reference C; and the last wherein clause is rejected under references C and D. A combination of references is also used to reject claim 14.

MPEP § 2131.01 states that multiple references can be applied in limited circumstances. None of these circumstances are applicable to the current rejection.

Second, the Office Action has not provided a complete rejection of all elements of the claims. For example, claims 1 and 14 recite numerous elements that are not rejected. In other words, the Office Action cites no location in any of the references of record for teaching or suggesting all the limitations in claims 1 and 14. For example, claim 1 recites elements “b) the first collaborative process manager” and “c) the second collaborative process manager.” Nowhere does the Office Action cite any location in any references for teaching or suggesting these recitations. Claim 14 also has numerous elements that are not addressed in the Office Action. For example, claim 14 recites elements of first and second collaborative process managers. Nowhere does the Office Action cite any location in any references for teaching or suggesting these recitations.

For at least these reasons, Applicants respectfully request withdraw of all rejections under 35 USC § 102. Alternatively, Applicants respectfully ask

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the Examiner to issue a non-final Office Action citing specific locations in the art for teaching or suggesting each element in the claims.

V. Claim Rejections: 35 USC § 103

Claims 5, 10-13 and 16 are rejected under 35 USC § 103. Applicants respectfully traverse.

First the Office Action has not provided a complete rejection of all elements in claims. For example, claims 5 and 10-13 depend from claim 1, and claim 16 depends from claim 14. As noted above in Section IV, the Office Action cites no location in any of the references of record for teaching or suggesting all the limitations in claims 1 and 14. In fact for the § 103 rejections, the Office Action does not even address the elements of the independent claims from which the dependent claims depend.

For at least these reasons, Applicants respectfully request withdraw of all rejections under 35 USC § 103. Alternatively, Applicants respectfully ask the Examiner to issue a non-final Office Action citing specific locations in the art for teaching or suggesting each element in the claims.

Claims 5, 10-13, 16: Official Notice

The Office Action admits that the references of record do not teach all of the recitations in claims 5, 10-13, and 16. The Office Action, however, attempts to cure these deficiencies with Official Notice. Applicants respectfully traverse.

Per MPEP § 2144.03, Applicants challenge the factual assertion as not properly officially noticed or not properly based upon common knowledge. As such, Applicants ask the Examiner to provide adequate **documentary evidence**.

Applicants contend that the noticed fact is not considered common knowledge or well-known in the art. Claims 5, 10-13, and 16 recite limitations that are not considered common knowledge or well-known in the art when combined with the limitations of the respective independent claims. As such, Applicants respectfully ask the Examiner to produce authority (in the form of documentary evidence) for the alleged notice.

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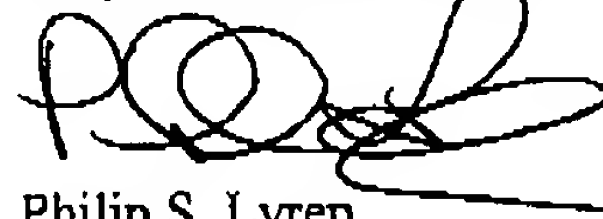
CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,



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CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 703-872-9306 on this 15th day of June, 2005.

By

Name: Be Henry

